

## **Remarks**

### **Amendments**

Claims 18, 19, 21-25, and 27-28 have been canceled. Claim 1 has been amended to change the singular form of "clone" to the plural form. This is not a narrowing amendment. Support for the use of "naturally infected" in claim 1 can be found in the specification at, *inter alia*, page 7, lines 9-22.

Amendments to the claims and cancellation of the claims are made without prejudice or disclaimer. The amendments are fully supported by the specification as filed and do not introduce new matter. Additionally, these amendments and cancellations are not and should not be construed as admissions regarding the patentability of the claimed or canceled subject matter. Applicants reserve the right to pursue the subject matter of previously presented claims or any broader claims in this or in any other appropriate patent application. Accordingly, Applicants respectfully request the entry of the amendments presented.

### **Interview Summary**

On April 26, 2011, the undersigned, Dr. Jeff Hillman, Dr. Martin Handfield, and Examiner Steele, participated in a telephonic interview. Applicants thank Examiner Steele her time and helpful comments. No exhibits were shown and no demonstrations were conducted. All pending claims were discussed. Bickel *et al.* (WO98/30910) was discussed. Amendments to the claims as presented herein were discussed. The principal arguments of the applicant were as presented in the response filed on December 1, 2010. No other pertinent matters were discussed. Examiner Steele agreed to consider an after final Response and Amendment.

**Rejection of Claims 18-19, 21-22, 24-25, 27-28 Under 35 U.S.C. § 112, first paragraph**

Claims 18-19, 21-22, 24-25, and 27-28 stand as rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement. These claims have been canceled; therefore, the rejection is moot. Applicants respectfully request withdrawal of the rejection.

**Rejection of Claims 18-19, 21-22, 24-25, and 27-28 Under 35 U.S.C. § 112, first paragraph**

Claims 18-19, 21-22, 24, 25, 27, and 28 stand as rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. These claims have been canceled; therefore, the rejection is moot. Applicants respectfully request withdrawal of the rejection.

**Rejection of Claims 1-5, 7-10, and 18-28 Under 35 U.S.C. § 112, second paragraph**

Claims 1-5, 7-10, and 18-28 stand as rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Claims 18-19, 21-25, and 27-28 have been canceled; as such, the rejection is moot as applied to these claims. Applicants respectfully traverse the rejection as it applies to claims 1-5, 7-10, 20, and 26.

The claims as presented herein are definite and Applicants respectfully request withdrawal of the rejection.

**Rejection of Claims 1-5, 7, 8, 10, and 18-28 Under 35 U.S.C. § 102(b)**

Claims 1-5, 7, 8, 10, and 18-28 stand as rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Bickel *et al.* WO98/30910. Claims 18-19, 21-25, and 27-28 have been canceled; as such, the rejection is moot as applied to these claims. Applicants respectfully traverse the rejection as it applies to claims 1-5, 7, 8, 10, 20, and 26.

Bickel does not teach or suggest the use of an antibody sample from one or more hosts infected with a microbe or pathogen. Bickel does not teach or suggest all elements of the instant claims. Therefore, the claims are not anticipated by Bickel. Applicants respectfully request withdrawal of the rejection.

**Rejection of Claims 1-5, 7-10, and 18-28 Under 35 U.S.C. § 102(b)**

Claims 1-5, 7-10, and 18-28 stand as rejected under 35 U.S.C. § 103(a), as allegedly obvious over Bickel *et al.* WO98/30910 and Suk *et al.* Claims 18-19, 21-25, and 27-28 have been canceled; as such, the rejection is moot as applied to these claims. Applicants respectfully traverse the rejection as it applies to claims 1-5, 7-10, 20, and 26.

Bickel does not teach or suggest the use of an antibody sample from one or more hosts infected with a microbe or pathogen. Suk does not cure the deficiencies of Bickel.

Bickel and Suk in combination do not teach or suggest the methods of the invention. Applicants respectfully request withdrawal of the rejection.

**Provisional Rejection of Claims 1-5, 7-10, and 18-25 on the Ground of Nonstatutory Obviousness-Type Double Patenting**

Claims 1-5, 7-10, and 18-25 stand as provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-16 of copending application 12/327,056. Applicants note that claims 18-20 and 21-25 of the instant application have been canceled.

Applicants note that this rejection is not ripe because neither of the applications has been allowed. Applicants respectfully request withdrawal of this rejection upon indication of allowance of this application.

Respectfully submitted,

Dated: April 26, 2011

By: /Lisa M.W. Hillman/  
Lisa M.W. Hillman, Ph.D.  
Registration No. 43,673  
217-239-1962